

# **Exhibit 3**

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16 UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA  
18 SAN DIEGO DIVISION

19 WHITEWATER DRAW NATURAL  
20 RESOURCE CONSERVATION  
21 DISTRICT, *et al.*,

22 Plaintiffs,

23 v.

24 KIRSTJEN M. NIELSEN, *et al.*,

25 Federal Defendants.

**Case No. 3:16-cv-2583**

**CERTIFICATION OF  
ADMINISTRATIVE RECORD**

Hon. H. James Lorenz

1 I, SARA SHAW, am the Acting Assistant Director of the Office of Policy and Planning  
2 within U.S. Immigration and Customs Enforcement, a component of the U.S. Department of  
3 Homeland Security (DHS). I am familiar with the administrative files in this office, which was the  
4 DHS office with lead responsibility for the final rule entitled Adjustments to Limitations of  
5 Designated School Official Assignment and Study by F-2 and M-2 Nonimmigrants, 80 Fed. Reg.  
6 23,680 (Apr. 29, 2015) (DSO Final Rule).  
7

8 I certify that, to the best of my knowledge, information, and belief, the attached indices to the  
9 administrative record were developed by the office responsible for developing the DSO Final Rule.  
10 I further certify that, to the best of my knowledge, information, and belief, the documents listed in  
11 the attached indices are contained in the administrative record and constitute the record documents  
12 that DHS considered in issuing the DSO Final Rule.  
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18 Respectfully submitted,

19 DATED: March 13, 2019

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21  
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23 SARA SHAW  
24 Acting Assistant Director  
25 Office of Policy and Planning  
26 U.S. Immigration and Customs Enforcement  
27 U.S. Department of Homeland Security  
28

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

WHITEWATER DRAW NATURAL  
RESOURCE CONSERVATION  
DISTRICT, *et al.*,  
Plaintiffs,  
  
v.  
  
KIRSTJEN NIELSEN,  
Secretary of Homeland Security, *et al.*,  
Defendants.

**INDEX TO THE CERTIFIED ADMINISTRATIVE RECORD FOR THE FINAL RULE  
ENTITLED, “ADJUSTMENTS TO LIMITATIONS ON DESIGNATED SCHOOL  
OFFICIAL ASSIGNMENT AND STUDY BY F-2 AND M-2 NONIMMIGRANTS”**

Document	Pages
<b>General References</b>	
1. Notice of Proposed Rulemaking, Adjustments to Limitations on Designated School Official Assignment and Study by F-2 and M-2 Nonimmigrants, 78 Fed. Reg. 69,778 (Nov. 21, 2013)	DSO00001
2. Final Rule, Adjustments to Limitations on Designated School Official Assignment and Study by F-2 and M-2 Nonimmigrants, 80 Fed. Reg. 23,680 (Apr. 29, 2015)	DSO00009
<b>References for November 21, 2013 Notice of Proposed Rulemaking</b>	
3. Proposed Rule, Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS), 67 Fed. Reg. 34,862 (May 16, 2002)	DSO00019
4. Final Rule, Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS), 67 Fed. Reg. 76,256 (Dec. 11, 2002)	DSO00038

5. News Release, U.S. Dept. of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation – December 2010 (Mar. 9, 2011), <a href="https://www.bls.gov/news.release/archives/ecec_03092011.pdf">https://www.bls.gov/news.release/archives/ecec_03092011.pdf</a>	DSO00064
6. News Release, U.S. Dept. of Labor, Bureau of Labor Statistics, Job Openings and Labor Turnover – January 2011 (Mar. 11, 2011), <a href="http://www.bls.gov/news.release/archives/jolts_03112011.pdf">http://www.bls.gov/news.release/archives/jolts_03112011.pdf</a>	DSO00087
7. U.S. Dept. of Labor, Bureau of Labor Statistics, May 2010 Occupational Employment and Wage Estimates, National Cross-Industry Estimates, 43-9799 Office and Administrative Support Workers, All Other, May 2010, from <a href="http://www.bls.gov/oes/oes_dl.htm">http://www.bls.gov/oes/oes_dl.htm</a> (last visited Mar. 12, 2012)	DSO00118
8. Letter from Dr. Wallace Loh, Chair, Homeland Security Academic Advisory Council, to Secretary Janet Napolitano (Sept. 20, 2012)	DSO00129
9. Letter from Marlene M. Johnson, Executive Director and CEO, NAFSA: Association of International Educators, to Ivan K. Fong, General Counsel, U.S. Dept. of Homeland Security (Apr. 13, 2011)	DSO00134
10. U.S. Dept. of Homeland Security, SEVP, Student and Exchange Visitor Information System, General Summary Quarterly Review for the quarter ending Mar. 31, 2012 (Apr. 2, 2012), <a href="http://www.ice.gov/doclib/sevis/pdf/quarterly_rpt.pdf">http://www.ice.gov/doclib/sevis/pdf/quarterly_rpt.pdf</a>	DSO00143
11. U.S. Dept. of Homeland Security, Student and Exchange Visitor Program, Study in the States, <a href="https://web.archive.org/web/20131024012729/">https://web.archive.org/web/20131024012729/</a>	DSO00152
12. U.S. Dept. of Homeland Security, Supporting Statement, The Student and Exchange Visitor Information System (SEVIS), OMB No. 1653-0038, Nov. 18, 2010, <a href="https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201010-1653-002">https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201010-1653-002</a>	DSO00154
13. DHS Directive No. 023-01, Rev. 00, Environmental Planning Program (Apr. 19, 2006)	DSO00234
14. U.S. Immigration and Customs Enforcement, Record of Environmental Consideration (May 21, 2012)	DSO00170
<b>Public Comments Received</b>	
15. Unique comments received in response to 2013 Notice of Proposed Rulemaking, 78 Fed. Reg. 69,778 (Nov. 21, 2013)	DSO00271

<b>Additional References for April 29, 2015 Final Rule</b>	
16. U.S. Dept. of Homeland Security, Student and Exchange Visitor Program, Study in the States, About, <a href="https://web.archive.org/web/20140329165405/studyinthestates.dhs.gov/about">https://web.archive.org/web/20140329165405/studyinthestates.dhs.gov/about</a>	DSO00330
17. U.S. Immigration and Customs Enforcement, Student and Exchange Visitor Program, SEVIS by the Numbers – General Summary Quarterly Review, July 2014, <a href="https://www.ice.gov/doclib/sevis/pdf/by-the-numbers1.pdf">https://www.ice.gov/doclib/sevis/pdf/by-the-numbers1.pdf</a>	DSO00332
18. U.S. Dept. of Labor, Bureau of Labor Statistics, Occupational Employment and Wages, May 2012, National Cross-Industry Estimates, 21–1012 Educational, Guidance, School, and Vocational Counselors, Mar. 29, 2013, <a href="https://web.archive.org/web/20140329164506/https://www.bls.gov/oes/2012/may/oes211012.htm#nat">https://web.archive.org/web/20140329164506/https://www.bls.gov/oes/2012/may/oes211012.htm#nat</a>	DSO00363
19. News Release, U.S. Dept. of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation - June 2012 (Sept. 11, 2012), <a href="https://www.bls.gov/news.release/archives/ecec_09112012.htm">https://www.bls.gov/news.release/archives/ecec_09112012.htm</a>	DSO00372
20. News Release, U.S. Dept. of Labor, Bureau of Labor Statistics, Job Openings and Labor Turnover – January 2013 (Mar. 12, 2013), <a href="https://www.bls.gov/news.release/archives/jolts_03122013.pdf">https://www.bls.gov/news.release/archives/jolts_03122013.pdf</a>	DSO00389
21. DHS Directive No. 023-01, Rev. 01, Implementation of the National Environmental Policy Act (Oct. 31, 2014)	DSO00417
22. DHS Instruction No. 023-01-001-01, Rev. 01, Implementation of the National Environmental Policy Act	DSO00422